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|---|--|---|--|
|   | <b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b><br><br><b>Grant Agreement</b>  | <b>GRANT NUMBER (FAIN):</b> 97269405<br><b>MODIFICATION NUMBER:</b> 1<br><b>PROGRAM CODE:</b> EA  | <b>DATE OF AWARD</b><br>09/24/2007               |
|   |  | <b>TYPE OF ACTION</b><br>Augmentation: Increase   | <b>MAILING DATE</b><br>10/01/2007                |
|   |  | <b>PAYMENT METHOD:</b><br>Advance   | <b>ACH#</b><br>20043                             |
|   |  |   |  |
| <b>RECIPIENT TYPE:</b><br>Indian Tribe  |  | <b>Send Payment Request to:</b><br>Las Vegas Finance Center   |  |
| <b>RECIPIENT:</b><br>St. Regis Mohawk Tribe<br>412 State Route 37<br>Akwesasne, NY 13655<br><b>EIN:</b> 16-1007650  |  | <b>PAYEE:</b><br>Director, Finance<br>St. Regis Mohawk Tribe<br>412 State Route 37<br>Akwesasne, NY 13655   |  |
| <b>PROJECT MANAGER</b><br>Ken Jock<br>412 State Route 37<br>Akwesasne, NY 13655<br><b>E-Mail:</b><br><b>Phone:</b> (518) 358-5937   | <b>EPA PROJECT OFFICER</b><br>Rebecca Jamison<br>290 Broadway, DECA/WCB<br>New York, NY 10007-1866<br><b>E-Mail:</b> Jamison.Rebecca@epamail.epa.gov<br><b>Phone:</b> 212-637-3948 | <b>EPA GRANT SPECIALIST</b><br>Maria Flores<br>Grants and Contracts Management Branch,<br>OPM/GCMB<br><b>E-Mail:</b> Flores.Maria@epamail.epa.gov<br><b>Phone:</b> 212-637-3407 |  |
| <b>PROJECT TITLE AND EXPLANATION OF CHANGES</b><br>Multi-Media Capacity Building<br>This amendment increases the agreement by \$35,000 from \$70,265 to \$105,265.<br>This amendment also extends the project and budget period expiration dates to December 31, 2008. This action is based on the application dated June 4, 2007. Please note that Administrative Condition No. 3 has been revised and Condition Nos. 12, 13, 14 and 15 have been added to this agreement.   |  |   |  |
| <b>BUDGET PERIOD</b><br>01/01/2006 - 12/31/2008   | <b>PROJECT PERIOD</b><br>01/01/2006 - 12/31/2008   | <b>TOTAL BUDGET PERIOD COST</b><br>\$105,265.00   | <b>TOTAL PROJECT PERIOD COST</b><br>\$105,265.00 |
| <b>NOTICE OF AWARD</b>  |  |   |  |
| Based on your Application dated 06/04/2007 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$35,000. EPA agrees to cost-share <u>100.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$105,265. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments. |  |   |  |
| <b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>  |  | <b>AWARD APPROVAL OFFICE</b>  |  |
| <b>ORGANIZATION / ADDRESS</b><br>Grants and Audit Management Branch<br>290 Broadway, 27th Floor<br>New York, NY 10007-1866  |  | <b>ORGANIZATION / ADDRESS</b><br>U.S. EPA, Region 2<br>Division of Enforcement and Compliance Assistance<br>290 Broadway<br>New York, NY 10007-1866                             |  |
| <b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>   |  |   |  |
| <b>Digital signature applied by EPA Award Official</b> Donna J. Vizian - Assistant Regional Administrator for Policy and Management   |  |   | <b>DATE</b><br>09/24/2007                        |

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| FUNDS                         | FORMER AWARD | THIS ACTION | AMENDED TOTAL |
|-------------------------------|--------------|-------------|---------------|
| EPA Amount This Action        | \$ 70,265    | \$ 35,000   | \$ 105,265    |
| EPA In-Kind Amount            | \$ 0         | \$          | \$ 0          |
| Unexpended Prior Year Balance | \$ 0         | \$          | \$ 0          |
| Other Federal Funds           | \$ 0         | \$          | \$ 0          |
| Recipient Contribution        | \$ 0         | \$          | \$ 0          |
| State Contribution            | \$ 0         | \$          | \$ 0          |
| Local Contribution            | \$ 0         | \$          | \$ 0          |
| Other Contribution            | \$ 0         | \$          | \$ 0          |
| Allowable Project Cost        | \$ 70,265    | \$ 35,000   | \$ 105,265    |

| Assistance Program (CFDA)  | Statutory Authority  | Regulatory Authority |
|--|--|----------------------|
| 66.709 - Capacity Building Grants and Cooperative Agreements for States and Tribes | Safe Drinking Water Act: Sec. 1442(b)<br>Solid Waste Disposal Act: Sec. 8001(c)(1) | 40 CFR PART 31       |

| Fiscal    |            |      |              |                     |         |              |              |                   |                           |
|-----------|------------|------|--------------|---------------------|---------|--------------|--------------|-------------------|---------------------------|
| Site Name | Req No     | FY   | Approp. Code | Budget Organization | PRC     | Object Class | Site/Project | Cost Organization | Obligation / Deobligation |
| -         | 0702HE0460 | 0708 | B            | 02WB                | 501E48D | 4187         | -            | -                 | 35,000                    |
|           |            |      |              |                     |         |              |              |                   | 35,000                    |

## Budget Summary Page

| <b>Table A - Object Class Category<br/>(Non-construction)</b>  | <b>Total Approved Allowable<br/>Budget Period Cost</b> |
|--|--|
| <b>1. Personnel</b>  | \$46,071   |
| <b>2. Fringe Benefits</b>                                      | \$17,915   |
| <b>3. Travel</b>   | \$17,695   |
| <b>4. Equipment</b>  | \$0  |
| <b>5. Supplies</b>   | \$338  |
| <b>6. Contractual</b>  | \$0  |
| <b>7. Construction</b>   | \$0  |
| <b>8. Other</b>  | \$13,375   |
| <b>9. Total Direct Charges</b>                                 | \$95,394   |
| <b>10. Indirect Costs: % Base</b>                              | \$9,871  |
| <b>11. Total (Share: Recipient % Federal <u>100.00</u> %.)</b> | \$105,265  |
| <b>12. Total Approved Assistance Amount</b>                    | \$105,265  |
| <b>13. Program Income</b>                                      | \$0  |
| <b>14. Total EPA Amount Awarded This Action</b>                | \$35,000   |
| <b>15. Total EPA Amount Awarded To Date</b>                    | \$105,265  |

## **Administrative Conditions**

Administrative Condition No. 1 has been satisfied. Therefore, SRMT can charge costs for rent and other allocated direct charges to the agreement.

The following condition has been revised:

### **3. FINANCIAL STATUS REPORTS/GRANT CLOSEOUT**

#### **A) Interim Financial Status Reports (FSR)**

An Interim Financial Status Report (FSR-SF269) is to be submitted to the EPA Grants and Contracts Management Branch 90 days after the anniversary of the project period start date. Interim FSRs should be submitted to:

Roch Baamonde, Chief  
Grants and Contracts Management Branch  
USEPA Region 2  
290 Broadway, 27th Floor  
New York, NY 10007

#### **B) Final Financial Status Reports**

Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit a final Financial Status Report – also called the SF269 – to EPA’s Las Vegas Finance Center (LVFC), within ninety (90) days after the expiration of the budget period end date. Assistance agreement recipients must also send Federal Cash Transaction Reports (SF-272) every six months to the LVFC. Please note that these reports are required by EPA grant regulations (see 40 Code of Federal Regulations §31.41(c)). Completed SF269s and SF272s must be faxed to 702-798-2423 or mailed to the following address: USEPA LVFC, P.O. Box 98515, Las Vegas, NV 89193-8515. The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Financial Status Report.

#### **C) Closeout**

The Administrative Closeout Phase for this grant will be initiated with the submission of a "final" FSR. At that time, the recipient must submit the following forms/reports to the EPA Region 2 Grants and Contracts Management Branch, if applicable:

- Federally Owned Property Report
- An Inventory of all Property Acquired with federal funds
- Contractor’s or Grantee’s Invention Disclosure Report (EPA Form 3340-3)

Additionally, the recipient's Final Request for Payment should be submitted to the LVFC.

The following conditions have been added:

### **12. DRUG-FREE WORKPLACE CERTIFICATION FOR ALL EPA RECIPIENTS**

The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to

maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200 - 36.230. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at [http://www.access.gpo.gov/nara/cfr/waisidx\\_06/40cfr36\\_06.html](http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html)

### **13. HOTEL-MOTEL FIRE SAFETY**

Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a, the recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel/> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

### **14. SUBAWARD POLICY**

a. The recipient agrees to:

- (1) Establish all subaward agreements in writing;
- (2) Maintain primary responsibility for ensuring successful completion of the EPA-approved project (this responsibility cannot be delegated or transferred to a subrecipient);
- (3) Ensure that any subawards comply with the standards in Section 210(a)-(d) of OMB Circular A-133 and are not used to acquire commercial goods or services for the recipient;
- (4) Ensure that any subawards are awarded to eligible subrecipients and that proposed subaward costs are necessary, reasonable, and allocable;
- (5) Ensure that any subawards to 501(c)(4) organizations do not involve lobbying activities;
- (6) Monitor the performance of their recipients and ensure that they comply with all applicable regulations, statutes, and terms and conditions which flow down in the subaward;
- (7) Obtain EPA's consent before making a subaward to a foreign or international organization, or a subaward to be performed in a foreign country; and
- (8) Obtain approval from EPA for any new subaward work that is not outlined in the approved work plan in accordance with 40 CFR Parts 30.25 and 31.30, as applicable.

b. Any questions about subrecipient eligibility or other issues pertaining to subawards should be addressed to the recipient's EPA Project Officer. Additional information regarding subawards may be found at <http://www.epa.gov/ogd/guide/subaward-policy-part-2.pdf>. Guidance for distinguishing between vendor and subrecipient relationships and ensuring compliance with Section 210(a)-(d) of OMB Circular A-133 can be found at <http://www.epa.gov/ogd/guide/subawards-appendix-b.pdf> and <http://www.whitehouse.gov/omb/circulars/a133/a133.html>.

c. The recipient is responsible for selecting its subrecipients and, if applicable, for conducting subaward competitions.

## **15. MANAGEMENT FEES**

Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

### **Programmatic Conditions**

All Programmatic Conditions Remain the Same.